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09-06-2021
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CRM No. 1079 of 2021

(Via Video Conference)

In the matter of an application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

In the matter of : Sk. Barjahan & ors. ..petitioners.

Mr. S. Majumder ...for the petitioners.

Mr. S. Basu –APP
Mr. S. Ganguly ...for the State

Four petitioners amongst 28 FIR named accused persons are apprehending arrest in connection with Kankartala P.S. Case No. 49 of 2020 dated 04.09.2020 u/s. 448/323/325/326/307/379/427/34 IPC and sections 25/27 of Arms Act and Section 3/4 of the E.S. Act and Section 3 of the D.P.P.P Act.

It is frankly pointed by the prosecution that the 23 accused persons out of 28 accused persons have been admitted on bail by the trial court. The case relates to an offence dated 04.09.2020. It is surprising that the investigating officer has not yet submitted the charge sheet.

Our attention is brought to the various pages of the case diary including the statement of the eye witnesses at page 17, 18, 21 and the injury report at pages 163 to 167 in

respect of one alleged injured Kartick. The injury appears to be simple in nature because the person was released by the medical officer after first aid treatment.

Having heard the learned counsel appearing for the petitioners and the State and in consideration of the nature of offence alleged, we are inclined to admit the petitioners on anticipatory bail.

In the event of arrest, the petitioners, namely, 1) Sk. Barjahan, 2) Md. Rafikul Hossain, 3) Sundar Ruidas @ Sundar Das, 4) Jayanta Ghosh shall be released on anticipatory bail upon furnishing a bond of Rs. 5,000/- each with sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer subject to condition embodied under section 438(2) of the Code of Criminal Procedure.

CRM 1885 of 2021 is allowed and disposed of.

(Saugata Bhattacharyya, J.)

(Shivakant Prasad, J.)